United Nations A/INF/54/6

General Assembly

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Fifty-fourth session

United Nations Administrative Tribunal

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the attached note from the United Nations Administrative Tribunal to the President of the General Assembly.

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Annex

Annual note by the United Nations Administrative Tribunal

1. At its third plenary session, held in Paris on 20 December 1951, the Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with that decision, the following note is submitted in respect of the year 1999.

A. Appointment of members of the Tribunal by the General Assembly

2. At its 81st plenary meeting, on 5 December 1998, the General Assembly, on the recommendation of the Fifth Committee (see A/53/711), appointed Kevin Haugh as a member of the United Nations Administrative Tribunal for a three-year term of office beginning on 1 January 1999. At its 101st plenary meeting, on 8 June 1999, the General Assembly, on the recommendation of the Fifth Committee (see A/53/711/Add.1), appointed Marsha A. Echols as a member of the United Nations Administrative Tribunal for the remainder of the term of office of Deborah Taylor Ashford.

B. Composition of the Tribunal during 1999

3. In 1999, the Tribunal was composed of the following members:

Mr. Hubert Thierry, President
Mr. Mayer Gabay, First Vice-President
Mr. Julio Barboza, Second Vice-President
Mr. Chittharanjan Felix Amerasinghe
Mr. Kevin Haugh
Mr. Victor Yenyi Olungu
Ms. Marsha A. Echols

C. Fiftieth plenary session

4. The Tribunal met in annual plenary session in New York on 23 November 1999, pursuant to article 5, paragraph 1, of its rules. All members were present except for Mr. Julio Barboza.

D. Judgements delivered during 1999

5. In 1999, the Tribunal held two sessions, one in Geneva from 28 June to 30 July, and one in New York from 25 October to 24 November. The composition of the panels and the corresponding judgements rendered are as follows:

Cases No. 934: Kamoun
No. 1009: Kamoun
No. 1073: Kamoun

(Kamoun against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of the decisions to place him on special leave with full pay, to reassign him to Dakar and to place an adverse evaluation in his personnel file.)
Judgement AT/DEC/925

Geneva, 13 to 29 July 1999

Mr. Gabay, presiding
Mr. Barboza
Mr. Yenyi Olungu

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Case No. 959: Facchin

(Facchin against the Secretary-General of the United Nations)
(Claim by former United Nations staff member that her fixed-term contract should have been extended. Involves question of whether the appeal was filed in a timely manner.)
Judgement AT/DEC/919

Geneva, 30 June 1998
Geneva, 2 to 23 July 1999

Mr. Thierry, President
Mr. Barboza
Mr. Yenyi Olungu

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Case No. 991: Midaya

(Midaya against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member that the decision not to extend his contract was improperly based on false allegations of sexual misconduct that were never properly investigated. Question of whether appeal was filed in a timely manner.)
Judgement AT/DEC/913

Geneva, 29 June to 23 July 1999

Mr. Thierry, President
Mr. Gabay
Mr. Haugh

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Case No. 996: Pace

(Pace against the Secretary-General of the United Nations)
(Claim by staff member that he was improperly denied an education grant advance for his child, who, he asserts, was receiving a formal education before the age of five.)
Judgement AT/DEC/921

Geneva, 1 to 23 July 1999

Mr. Gabay, presiding
Mr. Amerasinghe
Mr. Yenyi Olungu

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Case No. 997: Douaji

(Douaji against the Secretary-General of the United Nations)
(Claim by former UNDOF staff member that the Respondent has not fulfilled his obligation to give her priority for vacant posts, following the abolition of her post. Question of whether the appeal is receivable.)
Judgement AT/DEC/916

Geneva, 6 to 23 July 1999

Mr. Gabay, presiding
Mr. Barboza
Mr. Yenyi Olungu

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Case No. 998: Meron

(Meron against the Secretary-General of the United Nations)
(Claim by retired staff member who had suffered service-incurred injury while on mission with UNHCR that Respondent has improperly withheld her medical files from her and violated her due process rights by the inordinate delays in convening a medical board and the failure to convene a further medical board to consider outstanding medical and dental claims and the extent of her permanent disability.)
Judgement AT/DEC/918

Geneva, 6 to 23 July 1999

Mr. Thierry, President
Mr. Amerasinghe
Mr. Haugh

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Case No. 999: Moore

(Moore against the Secretary-General of the United Nations)
(Claim by former staff member of the United Nations International Drug Control Programme that he was separated from service without due process, and that the termination of his appointment was improperly based on an adverse decision from the ILO Administrative Tribunal with regard to his prior employment with the World Health Organization.)
Judgement AT/DEC/923

Geneva, 15 to 29 July 1999

Mr. Thierry, President
Mr. Haugh
Ms. Echols

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Case No. 1001: Al-Ansari

(Al-Ansari against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claims by former UNRWA staff member for rescission of the decision to terminate his appointment in the interest of the Agency following an investigation into the alleged misappropriation

of commodities intended for refugees with "special hardship" status.)
Judgement AT/DEC/926

Geneva, 5 to 30 July 1999

Mr. Barboza, presiding
Mr. Amerasinghe
Mr. Haugh

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Case No. 1002: Khawaja

(Khawaja against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision not to appoint him to a permanent post and to release him instead for return to his prior post with the Pakistan Government.)
Judgement AT/DEC/930

Geneva, 9 July 1999
New York, 29 October to 15 November 1999

Mr. Gabay, presiding
Mr. Barboza
Mr. Amerasinghe

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Case No. 1004: Zarra and Khalil

(Zarra and Khalil against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claims by former UNRWA staff members for rescission of decision to terminate their appointments in the interest of the Agency following an investigation into the alleged misappropriation of commodities intended for refugees with "special hardship" status.)
Judgement AT/DEC/929

Geneva, 5 to 30 July 1999

Mr. Barboza, presiding
Mr. Amerasinghe
Mr. Haugh

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Case No. 1005: Abdul Halim et al.

(Abdul Halim against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claims by former UNRWA staff members for rescission of decision to terminate their appointments in the interest of the Agency following an investigation into an alleged bribery and kickback scheme involving construction contractors hired by the Agency.)
Judgement AT/DEC/927

Geneva, 5 to 30 July 1999

Mr. Barboza, presiding
Mr. Amerasinghe
Mr. Haugh

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Case No. 1008: Guggenheim

(Guggenheim against the Secretary-General of the United Nations)
(Claim by former staff member that he was denied due process in connection with the non-extension of his contract. Question of whether appeal is moot because Applicant resigned before the term of his contract ended.)
Judgement AT/DEC/915

Geneva, 29 June to 23 July 1999

Mr. Thierry, President
Mr. Gabay
Mr. Haugh

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Case No. 1010: Lefebvre

(Lefebvre against the United Nations Joint Staff Pension Board)
(Claim by retired staff member against United Nations Joint Staff Pension Fund for moral damages arising from the Pension Fund's delay in correcting a mistake it had made in her monthly pension payment.)
Judgement AT/DEC/920

Geneva, 7 to 23 July 1999

Mr. Thierry, President
Mr. Barboza
Mr. Yenyi Olungu

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Case No. 1012: Ishak

(Ishak against the Secretary-General of the United Nations)
(Claim by UNHCR staff member that the High Commissioner improperly imposed conditions on his promotion, which had been recommended by the Appointment and Promotion Board.)
Judgement AT/DEC/924

Geneva, 7 to 29 July 1999

Mr. Gabay, presiding
Mr. Barboza
Mr. Amerasinghe

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Case No. 1015: Abdulhadi et al.

(Abdulhadi et al. against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claims by former UNRWA staff members for rescission of the decision to terminate their appointments in the interest of the Agency following an investigation into the alleged misappropriation of commodities intended for refugees with "special hardship" status.)
Judgement AT/DEC/928

Geneva, 8 to 30 July 1999

Mr. Barboza, presiding
Mr. Amerasinghe
Mr. Haugh

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Case No. 1016: Darwich

(Darwich against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member that Respondent improperly refused to accept his withdrawal of his resignation.)
Judgement AT/DEC/922

Geneva, 15 to 29 July 1999

Mr. Thierry, President
Mr. Yenyi Olungu
Ms. Echols

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Case No. 1018: Ali

(Ali against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member that the Agency was negligent when it inordinately delayed convening a medical board to assess her fitness for duty.)
Judgement AT/DEC/917

Geneva, 2 to 23 July 1999

Mr. Thierry, President
Mr. Amerasinghe
Mr. Yenyi Olungu

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Case No. 1019: Merani

(Merani against the United Nations Joint Staff Pension Board)
(Claim by retired staff member that UN Joint Staff Pension Fund used an incorrect method to calculate his pension fund entitlement.)
Judgement AT/DEC/942

Geneva, 21 July 1999
New York, 2 to 24 November 1999

Mr. Gabay, presiding
Mr. Haugh
Ms. Echols

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Case No. 1021: Shamsi and Abboud

(Shamsi and Abboud against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claims by former UNRWA staff members for rescission of the decision to terminate their appointments in the interest of the Agency following an investigation into the alleged misappropriation

of commodities intended for refugees with "special hardship" status.)
Judgement AT/DEC/931

Geneva, 8 to 30 July 1999
New York, 1 to 15 November 1999

Mr. Barboza, presiding
Mr. Amerasinghe
Mr. Haugh

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Case No. 1022: Pelanne and Gordon

(Pelanne and Gordon against the Secretary-General of the United Nations)
(Claim by former and current staff members that the Respondent violated their right to be fully and fairly considered for vacant posts, by appointing other staff members to posts without having circulated vacancy announcements for those posts.)
Judgement AT/DEC/914

Geneva, 1 to 23 July 1999

Mr. Thierry, President
Ms. Barboza
Mr. Haugh

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Case No. 1023: Al-Arid

(Al-Arid against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of the decision to terminate his appointment in the interest of the Agency following an investigation into an alleged bribery and kickback scheme involving construction contractors hired by the Agency.)
Judgement AT/DEC/932

New York, 2 to 15 November 1999

Mr. Barboza, presiding
Mr. Amerasinghe
Mr. Haugh

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Case No. 1024: Oustinovitch

(Oustinovitch against the Secretary-General of the International Civil Aviation Organization (ICAO))
(Claim by former ICAO staff member for rescission of the decision not to pay him a termination indemnity following non-renewal of his contract for abolition of post and for compensation for failure to find him an alternative post. Question of whether the appeal was receivable.)
Judgement AT/DEC/938

New York, 4 to 19 November 1999

Mr. Thierry, President
Mr. Gabay
Mr. Yenyi Olungu

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Case No. 1025: Nag

(Nag against the Secretary-General of the United Nations)
(Claim by former UNDP staff member for rescission of the decision to terminate his appointment based on unsatisfactory service.)
Judgement AT/DEC/940

New York, 4 to 19 November 1999

Mr. Gabay, presiding
Mr. Amerasinghe
Mr. Yenyi Olungu

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Case No. 1026: Kiwanuka

(Kiwanuka against the Secretary-General of the United Nations)
(Claim by former staff member (UNFICYP) for rescission of the Respondent's decision to summarily dismiss him.)
Judgement AT/DEC/941

New York, 3 to 19 November 1999

Mr. Gabay, presiding
Mr. Amerasinghe
Ms. Echols

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Case No. 1029: Toppin

(Toppin against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of the Respondent's decision to deny him full restitution of compensation awarded to him by the Joint Appeals Board.)

Judgement AT/DEC/937

New York, 29 October to 19 November 1999

Mr. Thierry, President
Mr. Yenyi Olungu
Ms. Echols

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Case No. 1030: Balkis

(Balkis against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by UNRWA international staff member that he was entitled to a termination indemnity resulting from his separation from his prior service as an Area staff member.)
Judgement AT/DEC/933

New York, 5 to 15 November 1999

Mr. Thierry, President
Mr. Barboza
Mr. Haugh

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Case No. 1031: Yung

(Yung against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member that the decision to terminate her permanent appointment due to abolition of posts that she encumbered violated her rights.)
Judgement AT/DEC/943

New York, 8 to 24 November 1999

Mr. Thierry, President
Mr. Yenyi Olungu
Ms. Echols

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Case No. 1032: Abboud et al.

(Abboud et al. against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claims by former UNRWA staff members for rescission of the decision to terminate their appointments in the interest of the Agency following an investigation into the alleged misappropriation of commodities intended for refugees with "special hardship" status.)
Judgement AT/DEC/934

New York, 1 to 15 November 1999

Mr. Barboza, presiding
Mr. Amerasinghe
Mr. Haugh

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Case No. 1033: Shahrour

(Shahrour against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member that he was improperly terminated in the interest of the Agency following a Board of Inquiry investigation into allegations of improper conduct in violation of various staff regulations.)
Judgement AT/DEC/939

New York, 29 October to 19 November 1999

Mr. Thierry, President
Mr. Amerasinghe
Mr. Haugh

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Case No. 1034: Wheeler

(Wheeler against the Secretary-General of the International Maritime Organization (IMO))
(Claim by former IMO staff member that she should have been placed at the same level and step that she had held in a prior post in the United Nations common system.)
Judgement AT/DEC/944

New York, 4 to 24 November 1999

Mr. Thierry, President
Mr. Gabay
Ms. Echols

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Case No. 1036: Esmael

(Esmael against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member that he was coerced into signing his resignation and that the Respondent improperly refused to accept his withdrawal of his resignation.)
Judgement AT/DEC/935

New York, 2 to 15 November 1999

Mr. Thierry, President
Mr. Barboza
Mr. Yenyi Olungu

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Case No. 1039: Salama

(Salama against the Secretary-General of the United Nations)
(Claim by staff member for rescission of the decision to circulate a vacancy announcement for the D-1 post to which he had been appointed at his current P-5 level, and for confirmation that the Applicant's appointment to the post was valid.)
Judgement/AT/DEC/936

Geneva, 1 to 22 July 1999
New York, 3 to 15 November 1999

Mr. Thierry, President
Mr. Barboza
Mr. Haugh

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E. Schedule for 2000 sessions

6. Taking into consideration the number of cases so far submitted to it, the Tribunal decided that the first ordinary session, referred to in article 6, paragraph 2, of its rules, would be held in Geneva in July/August 2000, and that its second session would be held at Headquarters during the last quarter of 1999, pursuant to articles 5.1 and 6.2 of its rules.

F. Operational issues

7. In its annual note for the year 1991, the Tribunal requested the General Assembly to convert two of the posts in its four-member secretariat, one Professional and one General Service, into permanent posts. Those two posts had been allotted to the Tribunal on a temporary basis since 1989, after it had been recognized that the caseload of the Tribunal required the additional posts. In its annual note for the year 1997, the Tribunal informed the General Assembly that those two posts, rather than being made permanent, had been abolished. The Tribunal's secretariat is now composed of only two staff posts and relies on temporary assistance funds to maintain two temporary positions. The Tribunal wishes to draw the attention of the General Assembly to the fact that in the years 1950-1984, when the Tribunal's secretariat consisted of two staff members, the Tribunal rendered 342 judgements, or approximately 10 per year. In the years 1985-1988, the Tribunal rendered 97 judgements, or approximately 24 per year. In 1989, when its secretariat was increased to four staff members, the Tribunal rendered 32 judgements. Over the next several years, as the Tribunal's jurisdiction was expanded by the General Assembly and its caseload grew, the number of judgements that the Tribunal rendered increased steadily until it had almost doubled. In 1996, for example, the Tribunal rendered 61 judgements, and in 1997, it rendered 60 judgements. Unless the two abolished posts are restored as staff posts, the Tribunal's ability to fulfil its mandate will be severely impaired.